

**DECLARATION AND POWER OF ATTORNEY**

In Re Application: Steven M. Blair and Larry L. Campbell

Attorney's Docket No. IPG1 (12706.000009)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **OPTICAL COMMUNICATION SYSTEM USING COHERENCE MULTIPLEXING IN AN OPTICAL DWDM NETWORK**, the specification of which:

- is attached hereto.  
 was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_.  
 was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Thereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>Application No.</u>	<u>Filing Date</u>
60/260,044	January 5, 2001

Thereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application No.</u>	<u>Filing Date</u>	<u>Status of United States Application:</u>
_____	_____	<input type="checkbox"/> Patented, <input type="checkbox"/> Pending, <input type="checkbox"/> Abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

**POWER OF ATTORNEY.** I hereby appoint Troutman Sanders LLP, having a Customer Number of 006980, and the attorneys and agents that are associated with this Customer Number from time to time, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send correspondence to: **TROUTMAN SANDERS, LLP**  
Attention: Patent Docketing Clerk - 46th  
600 Peachtree Street, N.E., Suite 5200  
Atlanta, Georgia 30308-2216

Direct telephone calls at (404) 885-3632 to:  
R. Stevan Coursey, Reg. No.: 39,949

Full name of first inventor: Steven M. Blair

Citizenship: United States

Inventor's signature

Date:

Residence and Post Office Address: 3434 East 7590 South, Salt Lake City, Utah 84121

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is attached hereto.

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I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
			Yes   No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>
60/260,044	January 5, 2001

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<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status of United States Application:</u>
		Panted, Pending, Abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

**POWER OF ATTORNEY.** I hereby appoint Troutman Sanders LLP, having a Customer Number of 006980, and the attorneys and agents that are associated with this Customer Number from time to time, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send correspondence to: **TROUTMAN SANDERS, LLP**  
Attention: Patent Docketing Clerk - 46th  
600 Peachtree Street, N.E., Suite 5200  
Atlanta, Georgia 30308-2216

Direct telephone calls at **(404) 885-3632** to:  
R. Stevan Coursey, Reg. No.: 39,949

Full name of second inventor: Larry L. Campbell

Citizenship: United States

Inventor's signature

Date:

Residence and Post Office Address: 1599 Devonshire Drive, Salt Lake City, Utah 84018

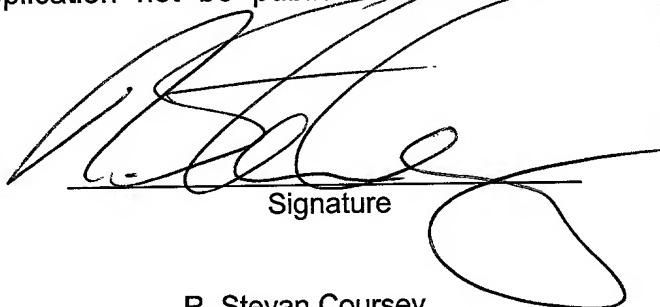
**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor		BLAIR, Steven M.
Title	OPTICAL COMMUNICATION SYSTEM USING COHERENCE MULTIPLEXING IN AN OPTICAL DWDM NETWORK	
Atty Docket Number		IPG1 (12706.000009)

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

January 7, 2002

Date



Signature

R. Stevan Coursey  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, he applicant **must** notify the United States Patent and Trademark Office for such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.